

Serial No: 09/854,031

REMARKS

This Amendment is in response to the Final Office Action dated March 22, 2004. In the Office Action, claims 6, 7, 10, 20, 21, 24, 37, 38, 41, 64-69 and 73-80 were rejected under 35 USC §112. Claims 1-100 were rejected under 35 USC §103. By this Amendment, claims 6, 20, and 37 are canceled and claims 7, 21, 38, 65, 68, 69, 73 and 74 are amended. Currently pending claims 1-5, 7-19, 21-36 and 38-100 are believed allowable, with claims 1, 15, 29, 32, 44, 47, 50 and 82 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §112:

Claims 6, 7, 10, 20, 21, 24, 37, 38, 41, 64-69 and 73-80 were rejected under 35 USC §112 as containing the trademarks or trade names "JAVA". Final Office Action, paragraph 12.

By this amendment, claims 6, 20, and 37 are canceled. Thus, the rejections of these claims under 35 USC §112 are moot.

Furthermore, claims 7, 21, 38, 65, 68, 69, 73 and 74 are amended herein such that references to Java are removed.

Claims 10, 24, 41, 66, 67, 75 and 76 contain references to C# and Java methods and classes. The Final Office Action states that rejections for usage of C# and the names of Java methods and classes in the claims are withdrawn. Final Office Action, paragraph 4. Thus rejection of these claims is assumed to be in error.

Finally, the Applicant respectfully submits that claims 77-80 do not contain the term Java and rejection of these claims is assumed to be in error.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 1-5, 11-19, 25-36, 42-50, 59-62, 70-72 and 82-100 were rejected under 35 USC §103 as obvious over Nyanchama, "The Role Graph Model and Conflict of Interest" (hereinafter Nyanchama) in view of Schmidt, "Data Flow Analysis is Model Checking of Abstract Interpretations" (hereinafter Schmidt). Office Action, paragraph 10.

Claims 6-10, 20-24, 37-41, 52-58, 63-69 and 73-81 were rejected under 35 USC §103 as obvious over Nyanchama and Schmidt, and in further view of Gong, "Java Security Architecture (JDK 1.2)" (hereinafter Gong). Office Action, paragraph 30.

Serial No: 09/854,031

Claim 51 were rejected under 35 USC §103 as obvious over rejected as obvious over Nyanchama and Schmidt, and in further view of U.S. Patent No. 5,428,554 to Laskoski (hereinafter Laskoski). Office Action, paragraph 40.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. MPEP 2143. Both the suggestion and reasonable expectation of success must be founded in the prior art, not in applicants' disclosure. In *re* Vaeck, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991) (citing *In re* Dow Chemical Co., 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988)). "Broad conclusory statements regarding the teachings of multiple references, standing alone, are not 'evidence.'" *In re* Dembicziak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed.Cir. 1999).

Nyanchama appears to describe role-based access control (RBAC) algorithms that assist network administrators or security officers manage access rights for various network users. Nyanchama, pages 1-2. For example, the teachings of Nyanchama can be applied to manage whether one can access the salary information of employees in an organization or whether users in a given project are assigned to one group. Nyanchama, pages 7-8. Nyanchama defines roles as a named set of privileges. Nyanchama, page 5. Role graphs are defined as acyclic, directed graphs in which the nodes represent the roles in a system and the edges represent hierarchical relationship of users. Nyanchama, page 9. For example, a role graph may include nodes such as a company's president, vice presidents and junior employees. Nyanchama, Fig. 3.

Schmidt, on the other hand, discusses data flow analysis as model checking, and its relationship to a program's abstract interpretation trace. Schmidt, page 38, Abstract. A flowchart program, for example, can be expressed as concrete semantics transitions and a concrete computation tree, or as abstract semantics and an abstract tree. Schmidt, pages 39-40 and Figs. 1 and 2. Model checking is then performed to compute collecting semantics for an abstract tree. Schmidt, page 42, section 5.

It is respectfully submitted that Nyanchama and Schmidt deal with completely different subject matters. As discussed above, Nyanchama deals with managing access rights of network users, while Schmidt deals with the relationship of data flow analysis with a program's abstract interpretation

Serial No: 09/854,031

trace. The Applicant finds no suggestion or motivation in any of the cited documents to combine the teachings of Nyanchama and Schmidt.

Furthermore, the Office Action provides no motivation for combining the teachings of Nyanchama and Schmidt other than "it would be obvious to one of ordinary skill in the art at the time the invention was made to translate a program into a graph to analyze the state of the program as known to one of ordinary skill in the art and as taught by Schmidt." Office Action, paragraph 12. Although the tendency to resort to hindsight is often difficult to avoid, the examination process must reach legal conclusions based on the prior art rather than the applicant's disclosure. See MPEP 2142.

For at least this reason, claims 1-5, 7-19, 21-36 and 38-100 are believed allowable over the cited documents. Allowance of claims 1-5, 7-19, 21-36 and 38-100 is therefore earnestly solicited.


CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should such a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

Dated: June 22, 2005


Ido Tuchman, Reg. No. 45,924
Law Office of Ido Tuchman
69-60 108th Street, Suite 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588